

§ 948.216

7 CFR Ch. IX (1–15 Edition)

each handler failing to so complete settlement of his account may be declared delinquent by said area committee.

(c) The name of each person who is declared delinquent may be forwarded to the Secretary and, in addition, the names of persons declared delinquent pursuant to paragraph (b) of this section may be publicized by said area committee.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 948 (§§ 948.1 to 948.92).

[19 FR 8647, Dec. 17, 1954. Redesignated at 26 FR 12751, Dec. 30, 1961]

§ 948.216 Assessment rate.

On and after September 1, 2013, an assessment rate of \$0.0033 per hundred-weight is established for Colorado Area No. 2 potatoes.

[78 FR 69987, Nov. 22, 2013]

Subpart—Handling Regulations

§ 948.386 Handling regulation.

No person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements.* (1) *Round varieties*, U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *All other varieties*, U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *1½-inch minimum to 2¼-inch maximum diameter (Size B)*, U.S. Commercial grade or better.

(4) *¾-inch minimum diameter to 1½-inch maximum diameter (Creamer)*, U.S. Commercial grade or better.

(5) None of the above categories of potatoes identified in paragraphs (a)(1) through (a)(4) of this section may be commingled in the same bag or other container.

(b) *Maturity (skinning) requirements.* From August 1 through October 31 shall be:

(1) *For U.S. No. 2 grade*, Not more than “moderately skinned.”

(2) *All other grades*, Not more than “slightly skinned.”

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to § 948.40(d) that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(3) Each handler who handles potatoes after such potatoes are regraded, resorted, or repacked shall have such potatoes reinspected, unless such handler has received a waiver from reinspection pursuant to rules established by the Secretary upon the recommendation of the committee.

(d) *Special purpose shipments.* (1) The grade, size, maturity, and inspection requirements of paragraphs (a), and (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and “other processing” as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for experimentation, the manufacture or conversion into specified products, or for seed pursuant to section 948.6, but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b), and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms *U.S. No. 1*, *U.S. Commercial*, *U.S. No. 2*, *Size B*, *slightly skinned*, and *moderately skinned* shall have the same meaning as when used in the U.S. Standards for Potatoes (7 CFR 2851.1540–2851.1566), including the tolerances set forth therein. The term *other processing* has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute “other processing.” The term *manufacture or conversion into specified products* means the preparation of potatoes for market into products by peeling, slicing, dicing, applying material to prevent oxidation, or other means approved by the committee, but not including other processing. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

[46 FR 52324, Oct. 27, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 948.386, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 948.387 Handling regulation.

On and after August 1, 1982, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements—All varieties.* (1) U.S. No. 2 or better grade, 1 $\frac{1}{8}$ inches minimum diameter or 4 ounces minimum weight.

(2) U.S. No. 1 grade, Size B (1 $\frac{1}{2}$ inches minimum to 2 $\frac{1}{4}$ inches maximum diameter).

(3) U.S. No. 1 grade, $\frac{3}{4}$ inch minimum to 1 $\frac{1}{8}$ inches maximum diameter.

(b) *Maturity (skinning) requirements—All Varieties.* During the period beginning July 1 and ending December 31 each season for U.S. No. 2 grade, not more than “moderately skinned,” and for all other grades, not more than “slightly skinned”; thereafter no maturity requirements.

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(3) Each handler who handles potatoes after such potatoes are regraded, resorted, or repacked shall have such potatoes reinspected, unless such handler has received a waiver from reinspection pursuant to rules established by the Secretary upon the recommendation of the committee.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and